

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No.: 05-10370PBS

BARBARA CORDI-ALLEN AND JOHN ALLEN  
Plaintiffs,

v.

JOSEPH R. CONLON, ARTHUR F. HULTIN,  
NORMAN H. POE, KEITH S. ALTHAUS AND  
MARINNA MATRICARDI as they are members and  
collectively the TRURO ZONING BOARD OF  
APPEALS, BROOKE NEWMAN and the TOWN OF  
TRURO, MASSACHUSETTS,  
Defendants,

**SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF**  
**DEFENDANT, TOWN OF TRURO'S MOTION FOR**  
**SUMMARY JUDGMENT**

In response to the Court's request at the hearing on the Defendants' Motions for Summary Judgment concerning the source for the 100 foot buffer zone, the Commonwealth of Massachusetts Wetlands Protection Action, M.G.L. c. 131, § 40, and its accompanying regulations at 310 C.M.R. 10.00 et seq., creates a 100 foot buffer zone from the ocean, coastal banks, as well as from coastal dunes. The Truro Conservation Commission has jurisdiction as the first level of review for all work taking place within these areas. The Conservation Commission's decision on the Plaintiff's wetlands application is the source of the appeal to the Commonwealth of Massachusetts Department of Environmental Protection that is currently pending.

Respectfully submitted,  
The Defendants,  
Joseph R. Conlon, Arthur F. Hultin, Norman H. Pope,  
Keith S. Althaus, and Marinna Matricardi as they are  
Members and are Collectively the Truro Zoning  
Board of Appeals, and the Town of Truro,  
Massachusetts,  
By their attorneys,

/s/ Deborah I. Ecker

Leonard H. Kesten, BBO# 542042

Deborah I. Ecker, BBO# 554623

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